

FILED
U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: _____
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,	:	Case: 1:15cr00023
	:	Assigned To : Pead, Dustin B.
	:	Assign. Date : 3/31/2015
	:	Description: USA v. Cache Valley
Plaintiff,	:	Cancer Treatment & Research Clinic
v.	:	MISDEMEANOR INFORMATION
CACHE VALLEY CANCER	:	Viol. 21 U.S.C. §§ 331(c), 333(a)(1),
TREATMENT & RESEARCH	:	352(o), and 360(c) (Receipt of
CLINIC, P.C.,	:	Misbranded Drugs and Delivery for
	:	Sale)
Defendant.	:	

The United States Attorney charges:

At all times relevant to this Misdemeanor Information:

1. Defendant CACHE VALLEY CANCER TREATMENT & RESEARCH CLINIC, P.C., a Utah corporation, was a cancer treatment clinic located at 1281 North

600 East, Logan, Utah 84341. Defendant was owned and operated by Ali Ben-Jacob, M.D., a Utah resident and oncologist licensed by the State of Utah.

Count 1
21 U.S.C. §§ 331(c), 352(o), and 360(c)
(Receipt of Misbranded Drugs and Delivery for Sale)

2. 21 U.S.C. § 331(c) prohibits the receipt in interstate commerce of any drug that is misbranded and the delivery thereof for pay or otherwise. Under 21 U.S.C. §§ 352(o) and 360(j), a drug is misbranded if it came from a foreign drug establishment and that drug was not annually listed with the United States Food and Drug Administration (“FDA”) by the establishment as one of the drugs which was being manufactured for commercial distribution in the United States at that drug establishment.

3. Defendant CACHE VALLEY CANCER TREATMENT & RESEARCH CLINIC, P.C. purchased and received, among others, prescription oncology drugs Abraxane, Aloxi, Anzemet, Camptosar, Eloxatin, Faslodex, Gemzar, Herceptin, Mabthera, Neupogen, Taxotere, Velcade, and Zometa from Quality Specialty Products (“QSP”), a foreign drug distributor located in Winnipeg, Manitoba, Canada.

4. From on or about September 3, 2009, to on or about September 30, 2011, defendant CACHE VALLEY CANCER TREATMENT & RESEARCH CLINIC, P.C., in the Northern Division of the District of Utah, received in interstate commerce and delivered for pay or otherwise prescription drugs that were misbranded in that they came from a foreign drug establishment and those drugs were not annually listed with the

United States Food and Drug Administration ("FDA") by the foreign drug establishment as one of the drugs which was being manufactured for commercial distribution in the United States at that drug establishment.

NOTICE OF INTENT TO SEEK FORFEITURE

As a result of committing the offense alleged in Count 1 of this Misdemeanor Information, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7) and 21 U.S.C. § 853, any and all property constituting, or derived from, proceeds obtained directly or indirectly as a result of violations of 21 U.S.C. § 331(c), and any property traceable thereto, including but not limited to the following:

MONEY JUDGMENT

A money judgment in sum of \$775,000, in connection with the above-referenced offense.

SUBSTITUTE ASSETS

If any of the above-described forfeitable property, as a result of any act or omission of the defendant,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without

difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(a)(7) and 21 U.S.C. § 853, to seek forfeiture of any property of said defendant up to the value of the above-forfeitable property.

CARLIE CHRISTENSEN
United States Attorney

A handwritten signature in black ink, appearing to read 'Mark Y. Hirata', is written over a horizontal line.

MARK Y. HIRATA
Assistant United States Attorney